

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**TOMMY FERNAND SANCHEZ, JR.  
ET AL.**

**CIVIL ACTION**

**VERSUS**

**NO: 08-1227**

**TANGIPAHOA PARISH SHERIFF'S  
OFFICE, ET AL.**

**SECTION: "S" (3)**

**ORDER AND REASONS**

**IT IS HEREBY ORDERED** that Plaintiffs' Motion for New Trial (Doc. #177) is **DENIED**.

On September 24, 2010, plaintiffs filed a motion to reconsider the court's September 14, 2010, Order granting defendants' motions for summary judgment, and dismissing plaintiffs' claims. Doc. #175. Plaintiffs contend that the court erred in granting summary judgment in favor of the defendants.

The Federal Rules of Civil Procedure do not recognize a motion for reconsideration. Bass v. U.S. Dep't of Agric., 211 F.3d 959, 962 (5th Cir. 2000). The Fifth Circuit has held nonetheless that if such a motion is filed within twenty-eight days after entry of the judgment from which relief is being sought, the motion will be treated as motion to alter or amend under Rule 59(e). Hamilton Plaintiffs v. Williams Plaintiffs, 147 F.3d 367, 371 n. 10 (5th Cir. 1998); see also Rule 59(e).


Because plaintiffs filed the instant motion on within twenty-eight days of the court's Order, the motion will be subject to the standards for Rule 59(e).

A Rule 59(e) motion calls into question the correctness of a judgment. In re Transtexas Gas Corp., 303 F.3d 571, 581 (5th Cir. 2002). The court has considerable discretion in deciding whether to reopen a case in response to a motion for reconsideration under Rule 59(e). Lavespere v. Niagara Mach. & Tool Works, Inc., 910 F.2d 167, 174 (5th Cir. 1990). "Rule 59(e) is properly invoked to correct manifest errors of law or fact or to present newly discovered evidence." In re Transtexas Gas Corp., 303 F.3d at 581. "A Rule 59(e) motion should not be used to relitigate prior matters that should have been urged earlier or that simply have been resolved to the movant's dissatisfaction." In re Self, 172 F. Supp. 2d 813, 816 (W.D. La. 2001).

Plaintiffs seek to relitigate matters that have not been resolved to their satisfaction. They have not provided any new evidence, but rather seek to reargue their interpretation of evidence that was presented in connection with the motions for summary judgment. Therefore,

**IT IS HEREBY ORDERED** that Plaintiffs' Motion for New Trial (Doc. #177) is **DENIED**.

New Orleans, Louisiana, this 21<sup>st</sup> day of October, 2010.

  
\_\_\_\_\_  
MARY ANN VIAL LEMMON  
UNITED STATES DISTRICT JUDGE